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September 5, 2006

MEMORANDUM

TO: Hospital Administrators

FROM: Dennis L. Gibbs, Director
Division of Health Licensing

SUBJECT: Reporting of Incidents and Accidents

Recent amendments to the South Carolina Code of Laws, § 44-71-20, 44-30-60, and 44-7-315 have clarified the incident and accident reporting responsibilities of hospitals as they pertain to licensing regulations and maintaining confidentiality of information acquired or produced by a peer review committee.

Regulation 61-16, *Standards for Licensing Hospitals and Institutional General Infirmaries*, § 206.2, states, "Accident and/or Incidents Report: A record of each accident and/or incident occurring in the facility, including medication errors and adverse drug reactions, shall be retained. Incidents resulting in death or serious injury, e.g., a broken limb, shall be reported, in writing, to the Division of Health Licensing within 10 days of the occurrence."

Section 40-71-20 of the SC Code of Laws protects all proceedings and all data and information acquired by a committee of experts in the exercise of its duties. The committee information shall be confidential unless a respondent in the proceeding requests in writing that they be made public. The proceedings and documents are not subject to discovery, subpoena or introduction into evidence in any civil action except upon appeal from the committee action. Subsection (C) of § 40-71-20 also states in part, "Nothing in this section affects the duty of a facility or activity licensed by the Department of Health and Environmental Control to report accidents and incidents pursuant to the department's regulations." The information reported to the DHL that is gathered by a committee of experts does not lose any privilege or confidentiality.

Hospitals must continue to maintain records of incidents and accidents and to report serious incidents and accidents to the Division of Health Licensing (DHL) within 10 days of the occurrence. Proceedings, records, and information acquired or produced by an expert review panel are confidential according to Section 44-30-60 of the SC Code of Laws. However, the duty of hospitals to report serious accidents and incidents is not affected by any privilege or confidentiality.

During hospital licensing inspections, inspectors from DHL request records of accidents and incidents. This is done to verify the hospital's compliance with Regulation 61-16, § 206.2. The records presented to the inspectors during an inspection should include at a minimum: patient ID, date and time of the incident or accident, description of the incident or accident and in the case of a serious incident or accident, the date reported to the DHL.

When reporting incidents that result in death or serious injury to the DHL as required in Regulation 61-16, § 206.2, hospitals should include the following events:

- Suicides,
- Wrong site surgery,
- Medication errors resulting in death or serious injury,
- Major fractures or head injuries resulting from falls or other events,
- Patient death or serious injury resulting from being in a restraint,
- Criminal events and assaults,
- Transfusion errors,
- Neonatal injuries,
- Maternal deaths or injuries,
- Elopement events,
- Anesthesia-related events,
- Ventilator errors, and
- Infant abductions.

There may be other events that result in serious injuries and death and this list should not be viewed by hospitals as all inclusive of the events that must be reported.

DLG:ROC:rc